

Application No. 10/673,810
Amendment dated
Reply to Office Action of June 17, 2009

REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 2, 4, 8, 9, 11, and 16-18, were rejected. The claims were rejected under Section 103(a) over the new combination of Rune, Sarkkinen, and Sharma.

The undersigned acknowledges the courtesies accorded by the Examiner during the telephonic correspondence of 24 August 2009 to discuss the status of the Rule 131 Declaration submitted to the USPTO on 17 April 2009.

Responsive to the rejection of the claims, independent claims 1, 8, and 16 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited combination of references.

With respect to exemplary claim 1, the recitation of clearing has been amended, now further to state that any record of a cell identifier is cleared upon receipt of one of the received messages. Claims 8 and 16 are analogously amended.

Support for the amendments is found in the disclosure, e.g., on page 7, lines 22-24, which states that the C-RNTI is cleared when entering cell_DCH on receipt of a message other than a reconfiguration message.

Particularly has now-presented, the recited invention is believed to be patentable over the cited combination of references. The Applicant specifically traverses the Examiner's reliance upon Sharma.

First, the Applicant asserts that Sharma is not a proper reference for the reason that the Applicant invented the invention prior to the earliest-possible effective date of Sharma. By declaration filed on 17 April 2009 pursuant to Rule 131, the Applicant set forth facts swearing-behind the earliest-possible effective date of Sharma. The undersigned avers that the inventor is a resident of the United Kingdom, that the Assignee is a United Kingdom

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entity, and that the facts relating to the invention were carried out in the United Kingdom, a WTO (World Trade Organization) state. Because the facts establish the Applicant's earlier invention date, the Applicant asserts that Sharma cannot be used, alone or in combination, to reject the claims. And, because the Examiner acknowledges that the remaining references, Rune and Sarkkinen, do not disclose the clearing from a device of any record of a cell identifier before moving to a dedicated channel state, that the independent claims are admirably distinguishable over the allowable references of the combination.

Second, the Applicant asserts that Sharma should not be accorded an effective date of the filing of its provisional application on 11 July 2003. Rather, the effective date to be accorded to Sharma should be the 28 June, 2004 filing date of the utility application. In the rejection of the claims, the Examiner relied upon page 3, lines 1-10, pages 2-3, and page 6 line 20- page 8 line 11 of Sharma. And, in an earlier Office Action, the Examiner relied specifically upon paragraph [0011]-[0019], [0064]-[0069], [0072], and [0101]-[0106] of Sharma. These sections, however, did not appear in the provisional application but, rather, only appeared in the later-filed utility application. These sections of the application are believed to be permitted an effective date of only 28 June 2004 as the filing of the invention is 29 September 2003 and the Rule 131 declaration indicates an earlier invention date, prior to the 29 September 2003 filing date. Irrespective of the disclosure of Sharma in the utility application, the Applicant asserts also that Sharma is an improper reference for this additional reason.

Third, the Applicant asserts that Sharma does not disclose the clearing of a record of a cell identifier before moving to a dedicated channel state. While paragraphs [0017] and [0029] disclose entering of a cell_DCH state from a cell_FACH state, there is no disclosure of the clearing of a record of a cell identifier nor of not storing an included cell identifier in a UE. Additionally, while paragraph [0030] makes reference to a pre-assigned TFS (Transport Format Set), there is no disclosure, or suggestion, that the TFS pertains to a cell identifier nor disclosure or suggestion that the TFS or any part thereof, is cleared from a UE or otherwise

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not stored. Because Sharma fails to disclose the clearing, or not storing, of a cell identifier, recited now in claim 1, and because the Examiner acknowledged that neither Rune nor Sarkkinen discloses such, no combination of these references can be formed to create the invention, as now-recited in amended claim 1. Independent claims 8 and 16 are analogously analyzed and are analogously believed to be distinguishable over the cited combination.

The dependent claims, which include all of the limitations of their respective parent claims, are also believed to be patentably distinguishable over the prior art for the same reasons as those just-given, with respect to their parent claims.

In light of the foregoing, independent claims 1, 8, and 16, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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